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OFFICE OF PETITIONS

In re Application of	:	
Thomas J. Whalen, et al.	:	
Application No. 09/973,951	:	DECISION ACCORDING STATUS
Filed: October 11, 2001	:	UNDER 37 CFR 1.47(a)
For: NOVEL HIGH VISCOSITY EMBOLIZING	:	
COMPOSITIONS	:	

This is in response to the copy of the petition under 37 CFR 1.47(a), submitted concurrently with the filing of the instant application.

The petition under 37 CFR 1.47(a) is a copy of the petition filed in parent Application No. 09/574,379 filed on February 27, 2001. The petition was granted in parent Application No. 09/574,379 on March 28, 2001. 37 CFR 1.63(d)(3) states:

"Where the executed oath or declaration of which a copy is submitted for a continuation or a divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:

(i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims benefit under 35 U.S.C. 120, 121 or 365(c).

The petition was accompanied by a copy of the decision granting a petition under 37 CFR 1.47(a) in the prior application as required by 37 CFR 1.63(d)(3).

The application and papers are in compliance with 37 CFR 1.47(a). This application is hereby accorded rule 1.47(a) status. As provided in 37 CFR 1.47(c), no notice of this application's filing will be forwarded to the non-signing inventor nor will such notice be published in the Official Gazette¹ since notice regarding the filing of the prior application was given to the non-signing inventor.

¹ Note Federal Register, Vol. 65, No. 175; Friday, September 8, 2000.

However, petitioner should take notice that the copy of the declaration signed by Thomas Whalen is inconsistent with the other two copies of the declaration. The address differs on Mr. Whalen's copy from the other copies. Therefore, petitioner should submit an Application Data Sheet in compliance with 37 CFR 1.76 **or** a supplemental oath or declaration reflecting the correct address **prior to the payment of the issue fee.**

Telephone inquiries should be directed to Marianne Morgan at (703) 306-3475.

This application is being forwarded to Technology Center Art Unit 1619 for examination in due course.



Frances Hicks

Lead Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy